OIPE
JUL 17 2007
PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of	:	Attny. Docket No.: 0807590.0103
Applicant: Peter I. CLARKE	:	
Application No.: 09/711,279	:	GAU 3622 Conf. No. 6853
Filed: November 10, 2000	:	Examiner: Raquel ALVAREZ
For: "EMPLOYMENT SOURCING SYSTEM"	:	

July 17, 2007

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

RESPONSE

Sir:

Please consider the following remarks in response to the Office action dated April 17, 2007.

In the outstanding Office Action, claims 13 to 33 were presented for examination. Claims 13-33 were rejected. In this response, applicant has resubmitted a Declaration Under 37 CFR § 1.131 and has explained below reasons why claims 13-33 are believed to be allowable. Accordingly, it is believed that the application is in condition for allowance.

Claim Rejections - 35 U.S.C. §112 Second Paragraph

The withdrawal of the rejections under 35 U.S.C. §112, second paragraph, in section 5 of the Office action is appreciated by applicant.

Declaration Under 37 CFR § 1.131

The declaration under 37 CFR § 1.131 filed previously was considered not to meet the requirements because it was not executed by each of the several applicants. Apparently the merits of the declaration were not considered. Filed herewith is a new declaration executed by both the applicants herein, inventors Paul Rathblott and Peter I. Clarke. Entry and consideration of this declaration are respectfully requested.

This declaration is believed to show a date of invention prior to July 20, 2000, the effective filing date of the Williams reference. This declaration is filed to overcome the rejection of claims 13-33 in the outstanding Office action as allegedly being unpatentable under 35 USC § 103 over Williams U.S. Patent No. 6,618.734 in view of Official Notice. Withdrawal of rejections based on Williams, pursuant to MPEP § 715, is respectfully requested in light of applicant's earlier date of invention, as shown by the accompanying declaration.

Claim Rejections - 35 U.S.C. §103 Unpatentability

Notwithstanding applicant's earlier date of invention, as shown in the accompanying declaration, which is believed effective to overcome Williams, applicant respectfully submits that the pending claims are patentably distinguished from Williams whether Williams is considered alone or in combination with the alleged knowledge of which Official Notice is taken, for the reasons explained in the amendment filed December 11, 2006 and elsewhere on the record herein as well as for the additional reasons set forth below.

In the reply comments kindly provided in sections 7-12 of the Office action, certain new issues are raised. Applicant's responses to these issues are as follows, using the numbers employed in the Office action.

7. In addition to the charging feature, addressed below, the disclosure in Williams now relied upon does not disclose or suggest "presenting said employment sourcing website in a style which mimics said first organization specific website". Applicant does not claim such website mimicking per se, but it is feature of applicant's claims 13-16 which contributes to the unobviousness that each of those claims is believed to have when the subject matter is considered as a whole.

8. Here the Office action states that "In the system of Williams, it makes sense to pay the third party or (head)hunter or employment agency for the scoring and qualifying." Applicant does not deny that in business matters it usually makes sense for a party to be paid for rendering a service. However, this is not what applicant has claimed. Claim 13 contains the following clauses:

(l) scoring said answers from said first website visitor against said criteria for the selected employment position to determine whether information on said first visitor should be sent to said first organization; and

(m) charging said first organization in response to a scoring determination that information on said first visitor should be sent to said first organization.

Thus, the first organization is to be charged, pursuant to clause (m) when the scoring in clause (l) is such as to determine that information (on said first visitor) is to be sent to the first organization. Charging is effected according to the visitor's performance and the resultant scoring. Charging is not for administering the questions. Information on visitors not making a determinative score need not be sent, and the first organization need not be charged for visitors not attaining a determinative score. This is different from charging for scoring and questioning or qualifying visitors or candidates and to the best of applicant's belief is something which is not contemplated by the Official Notice.

Independent claim 17 contains comparable limitations in clauses (j) and (k) regarding the crediting of a referring website. Similar comments are applicable.

The subject matter of applicant's claims which includes inter alia this novel manner of charging/crediting a third party for job candidate information, which subject matter is not found in the cited art, even when considered in view of the Official Notice, is respectfully believed to be unobvious and therefore patentable.

9. The comments in the Office action are noted by applicant. To the extent that hindsight reconstruction may be proper, it is believed not to lead to applicant's claimed invention as it has been explained above.

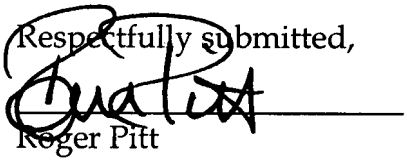
10. The disclosure of the Bezos patent is noted by applicant.

11. The Office's clarifications are appreciated by applicant. Nevertheless, applicant respectfully believes that the mere pluralizing of Williams system would not suggest the invention claimed in applicant's claims 14-16.

12. Applicant respectfully does not believe that the novel limitations in in Applicant's claims 21, 24, and 25-27 "flow naturally from following the suggestion of the prior art". Furthermore, it is respectfully pointed out that the criterion for unpatentability is not the alleged obviousness of the differences applicant's claims have from the art. Rather it is that the that "the subject matter as a whole would have been obvious". See *35 U.S.C. §103*. Applicant respectfully believes that the subject matter as a whole, of none of applicant's claims would have been obvious.

In view of the above amendments and the discussion relating thereto, it is respectfully submitted that the instant application, as amended, is in condition for allowance. Such action is most earnestly solicited. If for any reason the Examiner feels that consultation with Applicant's representative would be helpful in the advancement of the prosecution, she is invited to call the telephone number below for an interview.

Respectfully submitted,

By: 

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